

REMARKS

Claims 1-21 are pending in the above-identified application. With this Amendment, claims 10 and 20 were amended and claims 22-23 were added. No claims were cancelled. Based on a required election, claims 1-9, 14-19 and 21 are being withdrawn without prejudice. Accordingly, claims 10-13, 20 and 22-23 are at issue.

Applicants would like to point out the existence of the co-pending applications Ser. Nos. 10/412,008, filed April 11, 2003 and 11/072,085, filed March 3, 2005.

I. Election Requirement

In accordance with the September 24, 2005 telephone conversation identified by the Examiner, Applicants now confirm their election of Group B, claims 10-13 and 20. This election does not effect inventorship.

II. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 10-13 and 20 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Florian (U.S. Patent No. 3,989,158). Applicants respectfully traverse this rejection.

Applicants have amended the independent claims 10 and 20 to include a “completely removable lid” limitation. Florian does not disclose or suggest a container body having an open top, an exterior surface, a completely removable lid and an interior surface defining a cavity as required by the amended independent claims. Rather, Florian is directed to a self-draining saucer provided by a combination of two concave discs, which acts to retain a cup centered in the manner usual with saucers. (See Abstract and Col. 2, lines 18-21). New claims 22-23 add the limitation that the required lid have a liquid tight seal, which is also not disclosed or suggested

by Florian. Accordingly, Applicants request withdrawal of this rejection of claims 10-13 and 20 and allowance of those claims as well as new claims 22-23.

III. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 10-13 and 20 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Yang (U.S. Patent No. 6,378,325) in view of Florian (U.S. Patent No. 3,989,158). Applicants respectfully traverse this rejection.

As Examiner pointed out, Yang does not teach the upwardly angled extension of the barrier. Rather, Yang requires that the separator be located in the neck of the bowl body and have a flange disposed on its bottom. (See Col. 2, lines 14-16 and claims 1 and 2). Therefore, Applicants respectfully disagree with the assertion that it would have been obvious to one of ordinary skill in the art to combine the teachings of Florian with the requirements of Yang.

Further, as discussed above, Applicants have amended independent claims 10 and 20 to include the “completely removable lid” limitation. Like Florian, Yang also does not disclose or suggest a container body having an open top, an exterior surface, a completely removable lid and an interior surface defining a cavity. Additionally, also as discussed above, new claims 22-23 add the limitation that the required lid have a liquid tight seal, which is also not disclosed or suggested by Yang or Florian. Therefore, it would not have been obvious to one of ordinary skill in the art to combine Yang with Florian to make Claims 10-13 and 20 obvious. Accordingly, Claims 10-13, 20 and 22-23 are allowable over Yang in view of Florian.

IV. Other Art

In the co-pending ‘008 application (the parent of this continuation-in-part application), Gade (GB 2,340,823); Yu (US 6,279,744); Beard (US 3,052,246); Smith (US 3,360, 161); Holman (US 3,040,897); and Corbic nee Brusnel (US 4,003,490) were cited against the claims.

Applicants have considered these references as well, and believe the present claims are also patentable over them.

V. Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

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Respectfully submitted,

By 

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